

**ARIZONA SUPREME COURT
CHILD SUPPORT GUIDELINES REVIEW COMMITTEE
MINUTES**

April 25, 2008

Supreme Court Building, Phoenix, Arizona

MEMBERS PRESENT:

Mr. Robert L. Barrasso, Esq.
Honorable Bruce R. Cohen, Chair
Ms. Helen Davis
Professor Ira Ellman
Ms. Kim Gillespie
Ms. Cele Hancock
Mr. David Horowitz
Ms. Gloria Pearson
Honorable Rhonda Repp
Honorable Michala Ruechel
Honorable Sarah Simmons
Honorable Kevin White

GUESTS:

Holly Todd
Don Vert
Elsa McGrath
Theresa Barrett

STAFF:

Kathy Sekardi
Lorraine Nevarez

MEMBERS ABSENT:

MS. Rebecca Albrecht

Call to Order

Judge Cohen called the meeting to order at 10:05 a.m. and welcomed the members to the first meeting. Judge Cohen gave a brief history of the committee and explained the political process by which the committee will function. All members introduced themselves and staff explained the structure of the binders and the information provided therein.

Structure of Committee Work

Judge Cohen invited Committee members to share their past experiences regarding committee work that will make the process run smoother or more functional. It is important to have open dialog and bring concerns or issues for discussion to the group.

Staff highlighted the importance of adhering to proper communication protocols in order to comply with Open Meeting Laws. Emails containing information may be distributed to the committee members from staff; however, an exchange of emails from committee member can constitute a meeting, which would be in violation of the Open Meeting Laws. Staff reminded members to utilize the committee website to view committee documents and to RSVP for future meetings. Judge Cohen explained the importance for submitting documents to staff in a timely manner (1 week prior to the meeting date) for printing and posting to the website.

Committee Meeting Scheduling

The Committee decided on the following committee meeting dates:

- May 27, 2008-Teleconference, 12:15 PM -1:15 PM
- June 27, 2008-Meeting held at the AOC in conference room 119A/B 10:00AM -2:00PM
- August 8, 2008-Meeting location to TBD, 10:00 AM -2:00 PM
- September 2, 2008-Teleconference, 12:15 PM – 1:15PM
- September 26, 2008-Meeting location TBD, 10:00 AM -2:00 PM
- October 24, 2008-Meeting held at the AOC in conference room 119A/B, 10:00AM -2:00PM
- December 9, 2008-Meeting held at the AOC in conference room 119A/B, 10:00AM -2:00PM

Subject Matter Review

Staff reviewed with the Committee Administrator Order No. 2008-22 which delineates the committee's mandate. There are two phases involved with reviewing the Guidelines:

PHASE I:

The Committee shall review updated information regarding economic data on the cost of raising children, and conduct case file review and analysis to determine if adjustments to the current child support schedule are needed. The Committee shall then report its recommendations for changes to clarify and/or simplify the guidelines.

PHASE II:

Contingent upon available funding as determined by the Administrative Director, the Committee shall investigate and report its findings and recommendations on the advantages and disadvantages of implementing a forward-looking method of calculating child support and its potential impact on the courts. Issues to be considered may include costs of implementation, training, and programming changes or costs associated with the development of a child support calculator.

Judge Cohen recommended the Committee read Professor Ira Ellman's article "*The Theory of Child Support*." The article will be posted to the committee website at <http://www.supreme.state.az.us/csgrc/>.

A committee member suggested that Ira and Tara Ellman present to the committee a PowerPoint production that was presented to the Interim Economic Study Workgroup regarding the guidelines.

Discussion Regarding Workgroups

The Committee created four different workgroups. The first workgroup will look at inclusion or revision of case law from the appellate courts, legislative updates since the last review, and the new Arizona Rules of Family Law Procedure. The IV-D workgroup will focus on issues that impact the guidelines from the IV-D world, while the Income Determination workgroup will concentrate on Section 5 of the Child Support Guidelines. The Adjustments to Support workgroup is to examine child care, medical insurance, extraordinary child, extra education, and parenting time adjustments. The workgroups established are as follows:

Case Law/Leg. Updates/ARFLP

Bob Barrasso – Group Facilitator
Sally Simmons
Cele Hancock

IV-D

Rhonda Repp-Group Facilitator
Kim Gillespie
Gloria Pearson
Rebecca Albrecht

Income Determination

Ira Ellman-Group Facilitator
David Horowitz
Helen Davis
Kevin White
Michala Ruechel

Adjustments to Support

Kevin White-Group Facilitator
David Horowitz
Cele Hancock
Bob Barrasso
Helen Davis

Ideas for Agendas

The committee discussed thoughts, future topics and/or issues to discuss further, such as:

- There seems to be disagreement about how to address situations where the decision-making authority is vested in one parent who makes choices regarding schooling, child care, and extracurricular activities, with which the paying parent may not necessarily agree.
- Addressing situations in the guidelines when one parent works a second job and the income is not included in the amount of child support.
- The extraordinary child adjustment is lacking direction in a number of ways.
- School lunches and school fees, distinguishing which parent pays for lunches and receiving parenting time adjustment.
- When a child is removed from the home for a long period of time (child takes a trip or is hospitalized). The guidelines are silent regarding this situation.
- Section concerning deviations from the guidelines should be more explanatory.
- Stock grant dates and vesting dates.
- Clarify health insurance where multiple families are involved.
- Rounding off income and child support orders.
- Prepayment of future child support.
- Higher artificial child support orders.
- Suspension of child support and modifications.
- Emancipation of children.
- Entitlement of child support overpayments.

Discuss Overlap of Issues in Other Committees

Bob Barrasso, Chairman of the Child Support Statute Review Workgroup, shared a list of topics that the workgroup would like to see examined:

- Address the cost of living when a parent is working and living in a different town.
- Discuss the number of children or other people in the home.
- Split custody issue.
- Define true 50/50 custody.
- Simplify or eliminate the child tax credit.
- Adjustments for other children.

- Adjust language regarding daycare, “may” versus “shall”.
- Eliminate Table B visitation adjustments.
- Examine A.R.S. § 25-320 to make consistent with the mandatory guidelines.
- Travel adjustments need to be more definite with better direction as to application.

Develop Agenda for Next Meeting

Items to be discussed for the May 27, 2008 teleconference:

- Confirm workgroups are on track for the June meeting.
- Prepare a detailed agenda for June meeting.
- Discuss long term goals.
- Set schedule for 2009.

Call to the Public

Holly Todd, OB-GYN nurse practitioner, recommended the Committee consider situations where parents have joint custody with equal parenting time, both parents either work or are capable of working and one parent is awarded child support. Ms. Todd believes detrimental effects are caused to children when one of parents pays child support when there is an equal parenting time order. In these situations Ms. Todd suggests no child support monies should be exchanged unless one parent can prove extenuating circumstances to justify being awarded money from the other parent and how that money would directly benefit the children.

Adjourn

The meeting was adjourned at 2:00 p.m.